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JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

October Term, 1969

No. 1514

ALFONSO SABINO,

Petitioner,

vs.

SUPERIOR COURT OF LOS ANGELES COUNTY, STATE OF CALIFORNIA; and, HENRY W. SHATFORD, as a Judge of said Court,

Respondents.

Petition for a Writ of Certiorari Directed to the Supreme Court of the State of California.

Alfonso Sabino
4928 Marathon Street
Los Angeles, California
90029

Petitioner, Pro Se

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Respondents.

Petition for a Writ of Certiorari Directed to the Supreme Court of the State of California.

To the Honorable Chief Justice Warren E. Burger and the Honorable Associate Justices of the Supreme Court of the United States:

Comes now Alfonso Sabino and petitions this Honorable Court for a writ of certiorari directed to the Supreme Court of the State of California to review and reverse an order and judgment of Division Four of the Court of Appeal, Second Appellate District, State of California, which summarily denied petitioners application for a writ of prohibition, thereby refusing to prohibit proceedings and enforcement of orders of the respondent court and respondent judge, which were, and are in excess of the jurisdiction of the respondents, and in violation of due process of law and equal protection of the laws guaranteed by the Fourteenth Amendment to the Constitution of the United States, and in violation of laws of the State of California.

Justice William O. Douglas extended time to file this petition for certiorari to May 1, 1970.

OPINION BELOW

Neither the California Court of Appeal, nor the Supreme Court, published an opinion. There was merely a minute order of the Court of Appeal denying the petition for writ of prohibition.

Thereafter, a timely petition for hearing in the Supreme Court of California was denied on December 17, 1969.

JURISDICTION

Petitioner's application for the writ of prohibition to the Court of Appeal was summarily denied and entered on November 20, 1969, without issuance of an alternative writ or order to show cause. California rules of court specifically do not permit a petition for rehearing after denial by the Court of Appeal of a petition for a writ within its original jurisdiction without issuance of an alternative writ or order to show cause.

Petition for hearing from the denial of the Court of Appeal was duly and regularly filed in the Supreme Court of California. That court denied a hearing by order dated December 17, 1969, which was entered that same day.

This petition for writ of certiorari is being filed within 90 days of the order of the California Supreme Court denying a hearing of and an extension of time by the Honorable Justice William O. Douglas to May 1, 1970.

Jurisdiction is conferred on this court by Title 28, Section 1257(3), United States Code.

QUESTIONS PRESENTED BY THIS WRIT

1. Whether petitioner has been denied due process of law guaranteed by the Fourteenth Amendment to the Constitution of the United States, where his declaration for disqualification of the respondent judge, authorized by the laws of the State of California (Section 170.6 Code of Civil Procedure of California), was timely filed, but the respondent judge proceeded to make orders for physical examination, after the filing of petitioner's declaration of disqualification, and the challenged judge refused to disqualify himself pursuant to the declaration of disqualification until after he made orders for the physical examination of petitioner.

2. Whether petitioner has been denied equal protection of the laws guaranteed by the Fourteenth Amendment to the Constitution of the United States, where the provisions of California Statute (Section 170.6 Code of Civil Procedure of California) have been applied differently to petitioner than set forth in California decisions interpreting the requirements and application of the statutes under particular and similar circumstances.

3. Whether petitioner was discriminated against and deprived of his rights to represent himself in propria persona in violation of due process of law and equal protection of the laws

guaranteed by the Fourteenth Amendment to the Constitution by discriminatory application of the laws to petitioner while representing himself in propria persona.

4. Whether petitioner has been denied and deprived of proper notice and an opportunity to be heard in violation of due process of law and equal protection of the laws guaranteed by the Fourteenth Amendment to the Constitution of the United States, by the discriminatory tactics employed by respondents which deprived and prevented petitioner of an opportunity to have substantial and necessary objections and exceptions of record in the action.

5. Whether orders made by the respondent court and judge are a nullity and unenforcible because of the disqualification of the respondent judge under the provisions of the laws of the State of California, and by reason of violation of petitioner's rights under the due process and equal protection rights guaranteed under the Fourteenth Amendment to the Constitution of the United States.

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

The provisions of the Fourteenth Amendment to the Constitution of the United States, Section 1, which reads: " ; nor shall any State deprive any person of life. liberty, or property,

without due process of law; nor deny any person within its jurisdiction the equal protection of the laws." (Appended hereto as Appendix A)

Section 170.6 Code of Civil Procedure of California, appended hereto as Appendix A, pages 1 to 5 has been set forth at length and verbatim as contained in West's California Codes, Cumulative Pocket Part, for use in 1969-70 pages 16-17 thereof.

STATEMENT OF THE CASE WITH FACTS

On September 23, 1968, petitioner filed civil action No. EAC 8186 in the Superior Court of the State of California for the County of Los Angeles, for personal injury and property damage, automobile collision, wherein Bill Washington White is a defendant. Petitioner retained counsel to represent him. Petitioner, merely for inspecting the court file to determine the status of the action, was unjustly accused by counsel of being "sneaky". Petitioner having learned that his best interests were not being protected, relieved counsel and chose to represent himself. Shortly thereafter counsel for defendant White filed a motion for an order for physical examination of petitioner, which was noticed for a courtroom other than the one in which the respondent judge presided. Defendants' motion was noticed for hearing in Department C on November 20, 1969.

On November 17, 1969, petitioner for the first time learned that the hearing of that motion would be transferred to Department A, where the respondent judge presides, if petitioner would not consent to a hearing of the matter before the commissioner in Department C. Under California law, a hearing before a commissioner must be stipulated to by the litigants before a commissioner has jurisdiction.

Petitioner for the first time learned on November 17, 1969 that the respondent judge was biased and prejudiced against litigants who represent themselves in propria persona, and was particularly biased and prejudiced against petitioner.

On November 17, 1969, as soon as it was physically possible for petitioner to prepare a written declaration for disqualification of the respondent judge, such written declaration was prepared and filed according to the provisions of section 170.6 Code of Civil Procedure of California, to disqualify the respondent judge and prevent him from hearing and ruling on defendants motion on December 20, 1969. According to the provisions of the statute, petitioner's declaration was timely, as it was filed as soon as possible after petitioner learned that the respondent judge was biased and prejudiced against him.

On December 20, 1969, when petitioner declined to stipulate to a commissioner in Department C, the matter

was transferred to the respondent judge. At such time, the respondent judge refused to disqualify himself but proceeded to make an order for physical examination of petitioner. Such order was made without affording petitioner prior knowledge of knowing the contents thereof, nor affording petitioner any opportunity to make objections or take exceptions thereto or any parts thereof.

Immediately after the respondent judge made his order for physical examination of plaintiff on November 20,1969, he disqualified himself in the action and made it understood that his disqualification would only be effective after he made the order and would not invalidate the order just made.

Petitioner immediately, orally, objected to and took exception to the proceedings and the making of any order by the respondent judge, and petitioner claimed violation of due process and equal protection rights under the Fifth and Fourteenth Amendments to the Constitution of the United States. The respondent judge ruled that petitioner's declaration of disqualification was not timely and that petitioner's constitutional guarantees were not violated.

To restrain enforcement of the respondent judge's orders, petitioner applied for a writ of prohibition in the Court of Appeal of California, Second Appellate District. In the petition, the validity of the judge's orders were challenged and petitioner

again claimed bias and prejudice of the respondent judge and violation of petitioner's due process and equal protection rights under the Fifth and Fourteenth Amendments to the Constitution of the United States, but these questions were never ruled upon by the Court of Appeal and the petition was summarily denied merely by a very brief minute order.

Petitioner, regularly and according to procedural requirements, petitioned the Supreme Court of California for a hearing after the denial by the Court of Appeal. Again petitioner sought a determination on the questions of violation of petitioner's rights under the due process and equal protection guarantees of the Fifth and Fourteenth Amendments to the Constitution of the United States and violations of rights under California statutes and laws. The Supreme Court summarily denied the petition for a hearing in that court and the questions of petitioner's Federal Constitutional rights and rights under California law and statutes still remain undecided.

In the Superior Court, subsequent to the orders of the respondent Judge, defendant White has moved for dismissal of the action for failure of petitioner to comply with the orders of respondent Judge, which petitioner claims are a nullity under California law, because of disqualification of the judge. Other judges of the Superior Court, based on the contention of validity of the respondent judge's orders for reasons that

the Court of Appeal and the Supreme Court failed to decide the questions involved, have been and are threatening to order dismissal of petitioner's action. Presently, a motion for dismissal of the action remains undecided in the Superior Court. Petitioner's action is in jeopardy of being dismissed.

In all proceedings in the Superior Court, the record and transcripts of proceedings clearly show that the respondent judge, as well as subsequent judges, have all been partial to defendant White because he is represented by attorneys. The Courts are constantly reluctant to afford me equal protection, fairness, and an unbiased and unprejudiced opportunity to be heard solely because I am representing myself in propria persona and the attorneys for defendant are being afforded unjustified partiality and advantages not allowed to petitioner for proper representation and preservation of the record in the action.

Original court reporter's transcripts are herewith lodged with this petition which confirms the timely objections of petitioner and continuous assertions of violation of Federal Constitutional rights.

REASONS FOR GRANTING WRIT

This is another one of the cases in which the California Courts are reluctant to afford a litigant representing himself in propria persona, the basic fairness, the equal protection of the laws, rights, and constitutional guarantees to which every litigant is inherently entitled to in this country, whether he be representing himself in propria persona or be represented by one or many attorneys.

The right to exercise the statutory right under the provisions of 170.6 Code of Civil Procedure of California, has long been recognized as a substantial right and part of due process. In Mc. Cauley v. Superior Court 190 Cal. App 2d 562 at page 564, Justice Guffin said: "The right conferred by Code of Civil Procedure, section 170.6, is a substantial right which is now part of the system of due process and judicial fair play in this state."

Section 170.6 Code of Civil Procedure of California specifically authorizes the filing of declaration of disqualification is timely in proceedings which are not the trial of a cause if the motion is made "not later than the commencement of the hearing." and if the affidavit,(a declaration in California has the same force and effect as an affidavit), is sufficient and timely, the judge sought to be disqualified has

no jurisdiction. Calhoun v. Superior Court 51 Cal 2d 257, and according to the opinions of the California Courts, orders made by a judge who has been timely disqualified are null, void and unenforceable.

This court has held in Hovey v. Elliott, 167 U. S. 409, 42 L Ed. 215 that proceedings in which a litigant has not had proper notice nor an opportunity to be heard are a violation of due process of law under the Fourteenth Amendment.

It is time that this Court lay down its proper rule of law that the Courts are for all litigants equally and do not exist solely for the benefit of attorneys and judges to do at will as they please, or engage in practices and procedures which are in fact unconstitutional and in violation of the due process clause of the Fourteenth Amendment to the Constitution of the United States.

Petitioner asks that his right to have his day in court be preserved with all the fairness and impartiality to which he is entitled, free of bias and prejudice, and be afforded the fundamental right to have proper notice and an opportunity to be heard and preserve the record by ample opportunity to object, take exception and preserve the record in the action as petitioner sees beneficial or fit for any future purposes.

Unless petitioner is granted a hearing by this Court, he shall continue to suffer severe abuses of his substantial and constitutional rights and ultimately be deprived of his day in court and subjected to great expense and time consuming appeals, and litigation, solely because petitioner is representing himself in propria persona.

This Court should grant a hearing to determine petitioner's Federal Constitutional rights, or in the alternative, as a last resort, make an order commanding the Supreme Court of California to review the matters set forth herein, and in the record submitted herewith, in conformity with applicable laws and decisions.

Respectfully submitted,

/S/ ALFONSO SABINO

Alfonso Sabino
Petitioner Pro Se

APPENDIX 1.

AMENDMENT XIV

Section 1. ; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

APPENDIX A

Statutes Involved:

Section 170.6 Prejudice against party; attorney or interest thereof; motion and affidavit; assignment of another judge; number of motions; continuance; form of affidavits; cumulative remedy; severability

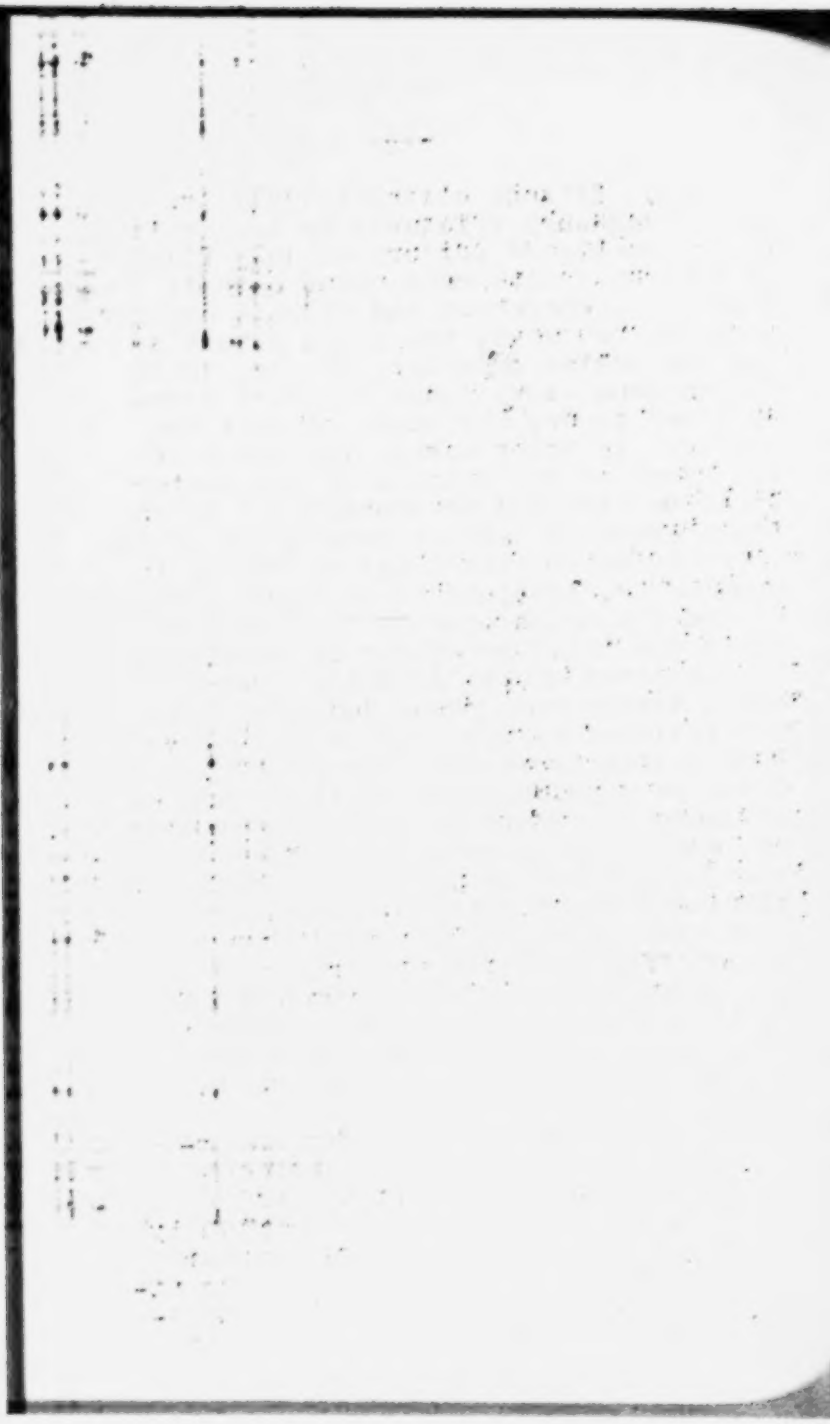
"Section 170.6 (1) No judge or court commissioner of any superior, municipal or justice court of the State of California shall try any civil or criminal action or special proceeding of any kind or character nor hear any matter therein which involves a contested issue of law or fact when it shall be established as hereinafter provided that such judge or court commissioner is prejudiced against any party or attorney or the interest of any party or attorney appearing in such action or proceeding.

(2) Any party to or any attorney appearing in any such action or proceeding may establish such prejudice by an oral or written motion without notice supported by affidavit or declaration under penalty of perjury or an oral statement under oath that the judge or court commissioner before whom such action or proceeding is pending or to whom it is assigned is prejudiced against any such party or attorney or the interest of such party or attorney so that such party or attorney cannot or believes that he cannot have a fair and impartial trial or hearing before such judge or court commissioner. Where the judge

or court commissioner assigned to or is scheduled to try the cause or hear the matter is known at least 10 days before the date set for trial or hearing, the motion shall be made at least five days before that date. If directed to the trial of a cause where there is a master calendar, the motion shall be made to the judge supervising the master calendar not later than the time the cause is assigned for trial. In no event shall any judge or court commissioner entertain such motion if it be made after the drawing of the name of the first juror, or if there be no jury, after the making of an opening statement by counsel for plaintiff, or if there be no such statement, then after swearing in the first witness or the giving of any evidence or after trial of the cause has otherwise commenced. If the motion is directed to a hearing (other than the trial of a cause), the motion must be made not later than the commencement of the hearing. In the case of trials or hearings not herein specifically provided for, the procedure herein specified shall be followed as nearly as may be. The fact that a judge or court commissioner has presided at or acted in connection with a pretrial conference or other hearing, proceeding or motion prior to trial and not involving a determination of contested fact issues relating to the merits shall not preclude the later making of the motion provided for herein at the time and in the manner hereinbefore provided.

(3) If such motion is duly presented and such affidavit or declaration under penalty of perjury is duly filed or such oral statement under oath is duly made, thereupon and without any further act or proof, the judge supervising the master calendar, if any, shall assign some other judge or court commissioner to try the cause or hear the matter. In other cases, the trial of the cause or the hearing of the matter shall be assigned or transferred to another judge or court commissioner of the court in which the trial or matter is pending or, if there is no other judge or court commissioner of the court in which the trial or matter is pending, the Chairman of the Judicial Council shall assign some other judge or court commissioner to try such cause or hear such matter as promptly as possible. Under no circumstances shall a party or attorney be permitted to make more than one such motion in any one action or special proceeding pursuant to this section; and in actions or special proceedings where there may be more than one plaintiff or similar party or more than one defendant or similar party appearing in the action or special proceeding only one motion for each side may be made in any one action or special proceeding.

(4) Unless required for the convenience of the court or unless good cause is shown, a continuance of the trial or hearing shall not be granted by reason of the making of a motion under this section. If a continuance is granted, the cause or matter shall be continued from day to day or for other limited



periods upon the trial or other calendar and shall be reassigned or transferred for trial or hearing as promptly as possible.

(5) Any affidavit filed pursuant to this section shall be in substantially the following form:

(Here set forth court and cause)

State of California)
) ss.
County of)

- - - - - - - - -, being first duly sworn, deposes and says: That he is a party (or attorney for a party) to the within action (or special proceeding). That- - - - - - - - the judge or court commissioner before whom the trial of the (or a hearing in the) aforesaid action (or special proceeding) is pending (or to whom it is assigned), is prejudiced against the party (or his attorney) or the interest of the party (or his attorney) so that affiant cannot or believes that he cannot have a fair and impartial trial or hearing before such judge or court commissioner.

- - - - - - - - - - -

Subscribed and sworn to before me this-------day of-----, 19-----.
(Clerk or notary public or other officer administering oath)

(6) Any oral statement under oath or declaration under penalty of perjury

made pursuant to this section shall include substantially the same contents as the affidavit above.

(7) Nothing in this section shall affect or limit the provisions of Section 170 and Title 4, Part 2, of this code and this section shall be construed as cumulative thereto.

(8) If any provision of this section or the application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application and to this end the provisions of this section are declared to be severable.
(As amended Stats. 1967,c 1602, p. 3832, Section 2.)

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SUPERIOR COURT OF LOS ANGELES COUNTY, STATE OF CALIFORNIA; and HENRY W. SHATFORD, as a Judge of said Court.

Respondents.

PETITION FOR REHEARING

Alfonso Sabino
4928 Marathon Street
Los Angeles, California
90029

Petitioner

Pro Se

IN THE

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Respondents.

PETITION FOR REHEARING

To the Honorable Chief Justice Warren E. Burger and to the Honorable Associate Justices of the Supreme Court of the United States:

Comes now Alfonso Sabino and petitions this Honorable Court for a rehearing of it's order dated June 15, 1970, which denied certiorari, and respectfully requests that the Court now grant certiorari

Upon consideration of petitioners timely application, which was filed within twenty-five days after certiorari was denied, Justice William O. Douglas extended the time to file this petition for rehearing to August 10, 1970.

The petition for certiorari previously filed herein presented the questions of denial , to petitioner, of due process of law, including denial of equal protection of the laws under the provisions of the Fourteenth Amendment to the Constitution of the United States by reason of the respondents refusal to adhere to or apply the strict requirements of Section 170.6, California Code of Civil Procedure as decided and applied in other cases by the appellate courts of California. The full text of the California statute referred to, namely Section 170.6 Code of Civil Procedure, was included as "Appendix A" in the petition for certiorari previously filed and is now made a part hereof by this reference thereto.

The point which petitioner apparently has failed to make clear to this Court is the precise time that the respondent Judge was in fact, and as a matter of law, disqualified and deprived of jurisdiction in the action in relation to the time when the respondent Judge made orders for the physical examination of petitioner.

In attempting to clarify points the supporting proof which petitioner shall make reference to herein as (R.T. #1), (R.T. #2) etc., are are official court

reporter's transcripts of proceedings in the respondent court, which have been filed in this Court as part of the record.

CIRCUMSTANCES OF DISQUALIFIC-
ATION OF THE RESPONDENT JUDGE.

Circumstances of the disqualification of the respondent Judge are as follows:

1. It was November 17, 1969 that petitioner for the first time appeared in court for any reason since the filing of the complaint, by petitioner, in the respondent court.

2. It was the first time, on said November 17, 1969 that petitioner had ever seen or heard of the respondent Judge Henry W. Shatford and was totally unaware of what to expect of the respondent Judge.

3. Petitioner was before the respondent Judge on November 17, 1969 by reason of a motion filed by petitioner which had nothing to do with the later making of an order for physical examination of petitioner.

4. In spite of the fact that the hearing of November 17, 1969 had been actually noticed and filed on November 7th, 1969 when the matter came on for hearing before the respondent Judge on November 17, 1969 said Judge was totally unprepared for the hearing, was totally unfaliliar with what the hearing was

to concern. The respondent Judge relied on the adverse party to the proceedings to familiarize him on what was before the court and at no time was concerned or ever took the time to understand the nature of the proceedings before him or material contents of the court file which was in the possession of the clerk and not before the respondent Judge during proceedings. See contents of R.T.#1 for what transpired at the proceedings of November 17, 1969 before the respondent Judge.

5. Petitioner took exception to the proceedings before the respondent Judge on November 17, 1969. Petitioner, at that time, also asserted that he was being denied due process under the Fourteenth Amendment to the Constitution of the United States. (R.T. #1, page 9, lines 3 to 7).

6. Immediately after the proceedings of November 17, 1969 concluded before the respondent Judge petitioner immediately proceeded to prepare a declaration for disqualification of the respondent Judge in the forthcoming proceedings of November 20, 1969 which the respondent Judge indicated that he would be hearing on November 20, 1969 in spite of the fact that the proceedings were noticed for another department of the respondent court.

7. Petitioners affidavit of prejudice to disqualify the respondent Judge was dated November 17, 1969 and filed in

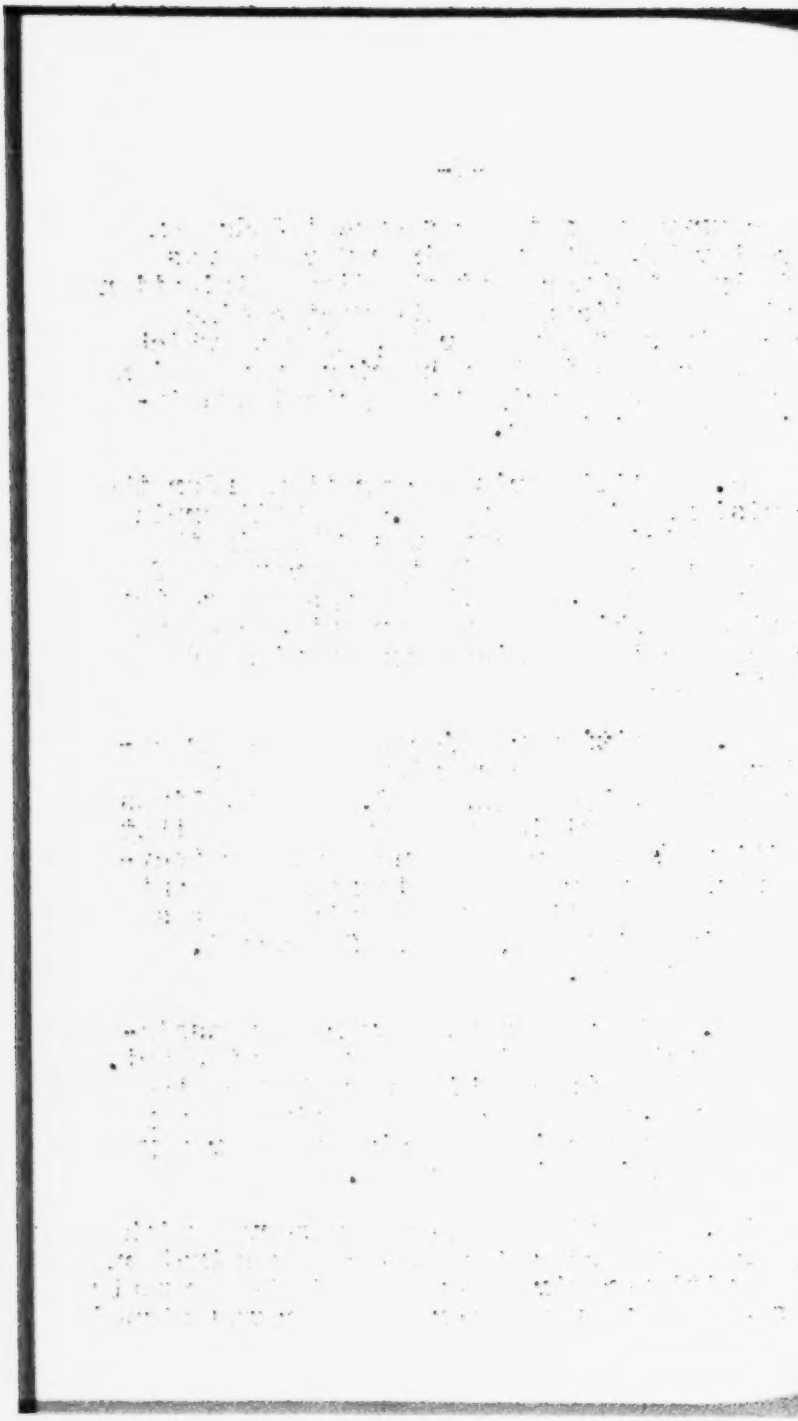
the courtroom of the respondent Judge on November 17, 1969 wherein reference was made by petitbner that the disqualification would be applicable to the forthcoming proceedings of November 20, 1969 at which time there was to be a hearing on a motion by the adverse party for physical examination of petitioner.

8. Petitioner's declaration under the provisions of Section 170.6 of California Code of Civil Procedure was filed in the respondent court and in the courtroom of the respondent Judge three days before the hearing at which the respondent Judge made orders for the physical examination of petitioner.

9. Petitioner objected to the proceedings before the respondent Judge on November 20, 1969 (R.T. #2, page 2, lines 1 to 9) and petitioner again asserted that petitioner's due process and equal protection rights under the Fourteenth Amendment to the Constitution of the United States were being violated. (R.T. #2, page 3, lines 19 to 23).

10. The action had never been assigned any trial date in the respondent court. None of the matters which were before the respondent Judge concerned setting of any trial date nor going to trial than or any time in the immediate future.

11. Petitioner was never served with any proposed order for physical examination and petitioner first learned of the contents of such order only after the order was signed



by the respondent Judge whereby petitioner was deprived of any opportunity to make any objection for the record as to the contents of the orders made by respondent Judge for physical examination of petitioner.

12. Legally, under the provisions of section 170.6 California Code of Civil Procedure and according to californi decisions the respondent Judge was disqualified upon the filing of the affidavit of prejudice on November 17, 1969 and had no jurisdiction to entertain nor proceed in any matter in the action after the filing of such declaration by petitioner.

13. The orders made by the respondent Judge on November 20, 1969 for the physical examination of petitioner were and are null and void, according to California law, because said judge lose jurisdiction to proceed in any matter in the action as of November 17, 1969

CONCLUSION

Under the circumstances and because none of the matters before the respondent Judge involved going to trial immediately petitioners declaration of prejudice to disqualify the respondent Judge was timely filed and did not fall within any time limitation for it's filing. Section 170.6 clearly provides that petitioner could have filed such declaration up to and including the commencement of the hearing

before the respondent Judge on November 20, 1969 and would have been considered timely and sufficient to divest him of jurisdiction to proceed in any matter in the action.

It is conclusive that the respondent Judge was without jurisdiction to make any orders relating to petitioner in the action in the trial court and that the orders made by him on November 20, 1969 for physical examination of petitioner were and are null and void and in violation of petitioners rights of due process and equal protection rights guaranteed by the Fourteenth Amendment to the Constitution of the United States.

As a result of the failure of the California Appellate Courts to decide the question of the respondent Judge's disqualification other judges of the respondent court have subsequently decided that the orders made bt the respondent Judge were vaild orders and, without affording petitioner the opportunity to see whether or not this Court would grant certiorari the action was ordered dismissed by the respondent Court on May 7, 1970 and petitioner is now deprived of the right to have an action for injuries suffered by petitioner because of petitioners failure to sibmit to null and void orders of the respondent Judge, and the respondent Court.

The equal protection clause of the Fourteenth Amendment to the Constitution of the United States prohibits the invidious discrimination that petitioner has been subjected to by the respondent court and

it's Judges.

The invidious discrimination which petitioner has been subjected to is commonly and openly a means of expressing contempt for all persons in the Los Angeles court system who represent themselves by reason of necessity or choice because of the increasing incompetence and resort to unethical practices in the legal profession which the respondent court has been increaseingly condoning and encouraging, which only operates to undermine the confidence of the public in our judicial system.

The action taken by the respondent Court and the respondent Judge in this case and contrary to statutory as well as case law which are compelling reasons why the questions presented should be reviewed and definitely determined by this Court.

For the reasons set forth in this petition for rehearing, as well as in the petition for certiorari previously filed, rehearing and certiorari should now be granted.

Respectfully submitted,

/S/ ALFONSO SABINO

Alfonso Sabino
4928 Marathon Street
Los Angeles, California

Petitioner - Pro Se

CERTIFICATE OF PETITIONER

Pursuant to Rule 58, I hereby certify that the foregoing Petition for Rehearing is presented in good faith and not for delay, and is restricted to the grounds specified in paragraph 2 of Rule 58.

/S/ ALFONSO SABINO

Alfonso Sabino
Petitioner - Pro Se

Appendix A

IN THE

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SUPERIOR COURT OF LOS ANGELES COUNTY, STATE OF CALIFORNIA; and, HENRY W. SHATFORD, as a Judge of said Court,

Respondents.

AFFIDAVIT OF SERVICE

State of California)
County of Los Angeles) ss.

I, ALFONSO SABINO, depose and say:

That I am the petitioner above named; that I am representing myself pro se; that on the Ninth day of August 1970 I served my "PETITION FOR REHEARING"; and, the circumstances of service are as follows:

I served the respondents by endorsing on the front of a copy of the petition "For: JOSEPH A. WAPNER, Presiding Judge";

on another copy "For: Henry W. Shatford". I then enclosed both of said copies in the same envelope together with four additional copies, sealed it, affixed thereto first class postage, fully prepaid, and I did deposit same in the United States Mail at Los Angeles, California addressed as follows:

JOSEPH A. WAPNER, Presiding Judge
Room 204, Courthouse
111 North Hill Street
Los Angeles, California 90012

I served the Attorney General of the State of California by enclosing three copies of the petition in an envelope, sealing same, affixing thereto first class postage, fully prepaid, and I did deposit same in the United States Mail at Los Angeles, California addressed as follows:

THOMAS C. LYNCH
Attorney General of California
217 West First Street
Los Angeles, California 90012

I served the real party of interest BILL WASHINGTON WHITE by enclosing three copies of the petition in an envelope, sealed it, affixed thereto first class postage, fully prepaid, and I did deposit same in the United States Mail at Los Angeles, California addressed as follows:

PATTERSON, RITNER & LOCKWOOD
Attorneys at Law
639 South Spring Street
Los Angeles, California 90014

The Court of Appeal was served by my enclosing three copies of the petition in an envelope which I sealed and affixed thereto first class postage, fully prepaid, and I did deposit same in the United States Mail at Los Angeles, California addressed as follows:

PRESIDING JUDGE, Court of Appeal
2d Appellate District
217 West First Street
Los Angeles, California 90012

All parties required to be served have been served.

/S/ ALFONSO SABINO

Alfonso Sabino

SUBSCRIBED AND SWORN TO before me at Los Angeles, California this NINTH day of AUGUST 1970.

(NOTARY SEAL)